



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: David B. Wallace

Serial No: 09/167,379 Examiner: Hartman Jr., R.

Filed: 10/06/1998 Group Art Unit: 2786

For: BULK INVENTORY NETWORK SYSTEM (BINS)

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

AFFIDAVIT OF JOHN MARTZ

I, JOHN MARTZ, state as follows:

1. All of the events outlined below occurred in the United States of America.
2. During the period between June, 1996 and November, 1998, I was an Electronic Technician for Pennsylvania Steel Technologies (PST), located at Steelton, Pennsylvania.
3. During the period between June, 1996 and November, 1998, Dave Wallace of the J.P. Donmoyer Company was permitted to install and perfect his system for monitoring a dry bulk material quantity at a remote site, at the PST facilities at Steelton.
4. In and around October, 1996, J. P. Donmoyer personnel, David Wallace, Frank Costanzo, and Mike Egbert, along with Anthony Mantione of Pennsylvania Lime, Inc., made a presentation to Robert Siddall of PST, Joe Hahn of PST, and myself at our facilities at Steelton, Pennsylvania. The J.P. Donmoyer team outlined their proposal for an experimental installation of Dave Wallace's invention at the PST facilities. I was assigned by Robert Siddall, Primary Operations Manager, to install the required signal line.

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5. To my knowledge and belief, numerous problems associated with the proper implementation of Dave's invention at PST had to be identified and overcome by Dave and his team during the two year and five month period between the inception of the experimental installation at PST, and its actual operation, in November, 1998.
6. Many of the components and devices associated with the installation of Dave's invention at the PST facility had to be replaced or reprogrammed during the two year and five month period between the inception of the experimental installation at PST, and its actual operation November, 1998.
7. From time to time between June, 1996 and November, 1998, I assisted Dave and his team in their efforts to obtain a working installation of Dave's invention. My involvement was necessitated due to the intimate relationship between Dave's level detector, remote telemetry unit and PST's lime and carbon injection silo's, as well as the system's use of a PST maintained phone line.
8. To my knowledge and belief, Dave and his team worked diligently throughout the foregoing period to perfect the implementation of his invention at the PST facilities.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, Section 1001, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing thereon.

Date: 3/6/2001

John K. Martz
John Martz

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